Andrus Me Anderson Llp

January 8, 2016

The Honorable Charles R. Breyer United States District Judge United States District Court, Northern District of California 450 Golden Gate Avenue Courtroom 6, 7th Floor San Francisco, California 94102

Re: In re Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation, MDL No. 2672 CRB (JSC)

Dear Judge Breyer:

I respectfully submit my application for appointment to the Plaintiffs' Steering Committee. In support of my application, I offer the following:

1. My entire legal career has been focused on complex litigation, and I have abundant experience litigating within the structure of multidistrict litigation. I have been appointed Co-Lead Counsel in multiple class actions, including *In re Michelin Marketing and Sales Practices Litigation*, MDL No. 1911, in the District of Maryland, a class action involving defective "run-flat" tires. Additionally, my law firm has significant experience leading litigation in similar automobile consumer fraud cases. In addition to the run flat tire litigation, my firm is presently litigating a class case against Nissan for defective engine screws, pending in San Francisco Superior Court, *Fox v. Nissan North America, Inc.*, Case No. CGC-09-490470. My firm has also handled a case against Toyota for faulty automatic transmissions in *Milligan v. Toyota Motor Sales, U.S.A., Inc.*, Case No. 09-05418 RS. I have devoted a significant percentage of my practice to representing consumers who have been cheated by corporate wrongdoers.

While my experience with automobile litigation is significant, and has prepared me to effectively litigate the claims in this action, I maintain a broad legal practice, including mass tort litigation. In that regard, I am an appointed member of the Plaintiffs' Steering Committee in the Coordinated Proceeding titled Yaz, Yasmin, and Ocella Contraceptive Cases, pending in Los Angeles County Superior Court. I previously served as a member of the Plaintiffs' Steering Committee in In re Ortho Evra Products Liability Litigation, MDL No. 1742, N.D. Ohio. I also served as a Co-Chair of the Science/Experts Committee in In re Guidant Corp. Impantable Defibrillators Products Liability Litigation, MDL 1708, D. Minn. In addition to these formal positions, I have represented clients – and worked for the common benefit – in several other MDLs, including Avandia, Actos, Kugel Mesh, Vioxx, Bextra/Celebrex, Baycol, and Fen-Phen.

2. The following judges have direct knowledge of my qualifications and abilities in complex litigation, having presided over litigation in which I represented plaintiffs (in reverse chronological order):²

¹ My law partner, Jennie Lee Anderson, was appointed Co-Lead Class Counsel in that case.

² In addition to these judges, I have also appeared before Hon. Elizabeth D. LaPorte and Hon. Jacqueline S. Corley in court-supervised settlement conferences.

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Hon. Lucy H. Koh, N.D. Cal., (408) 535-5357 – Judge Koh is presently presiding over *Coates v. Farmers Insurance Group, et al.*, Case No. 5:15-cv-01913-LHK, a nationwide discrimination class action brought by female employees to address the gender wage gap at Farmers. Judge Koh recently granted conditional certification of plaintiffs' Equal Pay Act claims.

Hon. Susan Illston, N.D. Cal., (415) 522-2028 – Judge Illston is presently presiding over *Minns v. ACES*, Case No. 3:13-cv-03249-SI, a wage and hour class action in which I have been appointed Co-Lead Class Counsel.

Hon. Jon P. McCalla, W.D. Tenn., (901) 495-1291 – Judge McCalla presided over *Smith v. ServiceMaster Holding Corp.*, et al., Case No. 11-cv-02943-JPM-dkv, an extremely complicated wage and hour case that was successfully resolved in 2015. I represented Terminix employees in this class action, brought at a time when the legal landscape in employment class actions was shifting rapidly. Terminix was capably represented by Paul Prather of Littler Mendelson, P.C., who mounted a relentless defense of his client over a six year period, involving novel legal defenses, four different district courts, two appeals to the Sixth Circuit, and, eventually, ten separate arbitrations. Of my work in the matter, Judge McCalla said on the record: "the Court is familiar with Ms. Andrus, and she is a well-experienced, knowledgeable person in this area and maybe one of the most knowledgeable that the Court would run into under any circumstances..., so certainly the Court is fortunate to have such qualified counsel."

Hon. Robert B. Freedman, Alameda County Superior Court, (510) 267-6936 – I have appeared before Judge Freedman in multiple matters. Most pertinent to the present case is *Olson v. American Honda Company, Inc.*, Case No. RG 07341165, a class action involving defective run-flat tires, vigorously defended by Roy Brisbois of Lewis, Brisbois, Bisgaard & Smith LLP.

Hon. David A. Katz, N.D. Ohio, (419) 213-5710 – Judge Katz handled the Ortho Evra MDL No. 1742. As a member of the Plaintiffs' Steering Committee, I was actively involved in several discovery battles, most notably heading up a series of challenges to the defendant's privilege log.

- 3. I am ready, willing and able to commit to this time-consuming litigation. While my firm is busy, it is not over-committed in too many MDLs, making a concentrated focus on this litigation possible. I am prepared to handle all anticipated duties of a PSC member and to undertake substantive legal tasks to ensure the successful prosecution of this case.
- 4. I have a demonstrated ability to work cooperatively with other plaintiffs' counsel and defense counsel, and to take the lead on important projects. On a personal note, I was raised in a family of trial lawyers and judges and I take the representation of my clients very seriously. I always endeavor to comport myself with the utmost professionalism and a dedication to open and honest communication with my clients, other plaintiffs' counsel and defense counsel.

My effective leadership skills are recognized by my peers. As just one example, I am a past Chair of the Women Trial Lawyers' Caucus of the American Association for Justice, a group of 3,000 female trial lawyers nationwide. My PSC application is supported by leaders of the trial bar, including Elizabeth Cabraser, Joe Cotchett, Frank Pitre, and Mark Robinson, among others (complete list attached).

5. My firm has ample resources to prosecute this litigation in a timely fashion and will appropriately staff this matter with the requisite degree of expertise and focus.

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- 6. I am personally ready and willing to apply my strong work ethic for the common benefit as a member of the Plaintiffs' Steering Committee.
- 7. I intend to represent the interests of all plaintiffs. Should the Court find it helpful to designate counsel by category of plaintiff, I presently represent owners of affected Volkswagen vehicles.
- 8. I graduated with honors from Duke University School of Law. I began my legal career at the prestigious class and complex litigation firm, Lieff, Cabraser, Heimann & Bernstein, LLP ("Lieff Cabraser"). After only five years of practice, I was promoted to partner.

In 2007, I started my own women-owned law firm with a former colleague from Lieff Cabraser. Our firm quickly earned a national reputation for excellence in class and complex litigation. We consistently provide high-quality written and oral advocacy, legal research, litigation strategy and analysis on challenging issues. I am a skilled brief writer and possess a sophisticated understanding of many legal issues potentially raised in this case given my background representing consumers, including preemption, primary jurisdiction, choice of law, inter-jurisdictional discovery issues, and federal-state coordination. My firm regularly confronts such difficult legal issues with diligence and creative legal thinking.

I have been recognized as a Northern California Super Lawyer for the last two years, an honor often reserved for attorneys many years my senior. In 2015, I was recognized as one of 75 Outstanding Women Lawyers by the National Law Journal. In 2013, I was awarded the Woman Consumer Advocate of the Year by the Consumer Attorneys of California.

While my firm's practice is nationwide, the majority of cases my firm handles have been in this District, or in other federal district courts throughout California. Thus, I am readily familiar with the Civil Local Rules of this District. My firm's offices are located in downtown San Francisco, and I have easy access to the federal courthouse. I have earned an excellent reputation for professionalism before the Northern California courts. This local familiarity makes me particularly well-suited to serve on the PSC in this matter.

Last, I am a recognized consumer spokesperson, and have been referenced in multiple publications on this important case. *See* http://www.motherjones.com/environment/2016/01/class-action-republicans-volkswagen-vw-emissions, http://www.thefiscaltimes.com/Columns/2016/01/04/Bailout-Volkswagen-Congress-Wants-Do-Something-Absolutely-Crazy.

For all of these reasons, I would be honored to serve for the common benefit of the Volkswagen plaintiffs, and I certify that I will personally commit my time and energy to the challenging and intensive task of PSC service as a matter of highest priority.

Sincerely,

/s/ Lori E. Andrus

³ On January 8, 2016, I will be interviewed by Zweites Deutsches Fernsehen, a German television network.